

3. In making such an application, a plaintiff must state the facts concerning his or her poverty with some degree of particularity, definiteness or certainty. *United States ex rel. Roberts v. Pennsylvania*, 312 F. Supp. 1, 2 (E.D. Pa. 1969) (finding affiant's application legally insufficient where the application failed to state the facts of affiant's poverty with any degree of particularity,

definiteness or certainty) (citing *United States v. Coor*, 213 F. Supp. 955, 956 (D.D.C. 1963), *rev'd on other grounds*, 325 F.2d 1014 (D.C. Cir. 1963); *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)).

4. In his Application, Plaintiff failed to state any facts concerning his claimed poverty. (*Id.*)

IT IS THEREFORE on this 19th day of February, 2009, hereby

ORDERED that Plaintiff's application to proceed *in forma pauperis* is DENIED without prejudice; and it is further

ORDERED that the Clerk shall serve this Order upon Plaintiff by regular U.S. mail.

/s/ Garrett E. Brown, Jr.
GARRETT E. BROWN, JR., U.S.D.J.